

DUNNINGTON  
BARTHOLOW & MILLER LLP

ATTORNEYS AT LAW

230 Park Avenue, 21<sup>st</sup> Floor | New York, NY 10169 | Telephone: 212.682.8811 | www.dunnington.com | SBlaustein@dunnington.com

November 23, 2021

**VIA ECF**

Hon. Kevin N. Fox  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 18C  
New York, NY 10007

MEMORANDUM ENDORSEMENT

**Re: *Ashly Wager v. G4S Secure Integration, LLC* (19-cv-3547) (MKV)(KNF)  
Letter Motion for Leave to File Motion for Spoliation or, In the Alternative,  
to Stay the November 15, 2021 Order (ECF 187)**

Dear Judge Fox:

I represent Plaintiff Ashly Wager (“Wager”) and write with respect to Your Honor’s November 15, 2021 Order (ECF 187). The Order requires, among other things, that Defendant G4S Secure Integration, LLC (“G4S”) (1) produce and pay the associated costs of deposing a “properly prepared Rule 30(b)(6) witness to be examined no later than 30 days from the date of this order” and (2) “produce to the plaintiff, within seven days from the date of this order ‘records concerning when it collected Posner’s phone and when the phone that was imaged was obtained.’” (ECF 187 at 13-14). The Order provides that Wager may file a motion for spoliation within ten (10) days after receiving records from G4S. (ECF 187 at 13-14).

On November 22, 2021 G4S filed objections to the Order and specifically the Court’s directives vis-à-vis the replacement Rule 30(b)(6) witness and production of records (ECF 189). G4S did not seek a stay of the Order. However, seven (7) days have passed from the issuance of the Order without the production of the requisite records and it appears unlikely that Judge Vyskocil will resolve G4S’ objections within the thirty (30) days allotted to complete a replacement Rule 30(b)(6) deponent’s deposition.

Accordingly, Wager requests that the Court either direct Wager to file a motion for spoliation sanctions and other relief or, in the alternative, stay the time for Wager to file a motion and complete the authorized deposition until after Judge Vyskocil resolves G4S’ objections. Counsel for Wager is available for a telephonic conference, if necessary.

11/23/21

The time for Ashly Wager to file a motion and complete the authorized deposition is stayed, until after Judge Vyskocil resolves G4S’ objections to Docket Entry No. 187.  
SO ORDERED;

*Kevin Nathaniel Fox*

Kevin Nathaniel Fox, U.S.M.J.

Respectfully submitted,  
/s/ Samuel A. Blaustein